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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,731	12/17/2004	Ernst Merk	VO-679	7188
42419	7590	07/28/2005	EXAMINER	
PAULEY PETERSEN & ERICKSON 2800 WEST HIGGINS ROAD SUITE 365 HOFFMAN ESTATES, IL 60195			HOANG, TU BA	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/500,731

Applicant(s)

MERK ET AL

Examiner

Tu Ba Hoang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/17/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, there is a missing between "arrangement" at line 4 and "a control member" at line 5. A comma is suggested. There are insufficient antecedent bases for "the control circuit (3)" recited at lines 6-7, "the heating conductor arrangement (2.1)" at line 12 in the claim. The recitation of "a feed branch (5)" at line 20 renders the claim indefinite because it is unclear whether this feed branch was the same as the "coupling branch (5)" recited earlier at line 10. Clarification is needed. Claim 1 is generally narrative and indefinite, failing to conform with current U.S. practice. It appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

It is noted that since applicants intended to include reference numbers in the parenthesis for each citation. Such reference numbers must be kept in consistency to avoid confusion. For example: the "(2.1)" has been used for both "the heating conductor arrangement" and "a digital circuit arrangement".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4, 5, 12-14, and 16 as being understood are rejected under 35 U.S.C. 102(b) as being anticipated by Keane (US 6,222,162) cited by the Applicants. Keane shows a heating device (Figure 3) comprising an electrical heating conductor arrangement 10 (shown in Figure 1) integrated into a flexible heating element or heating blanket (18) which is connected to a supply voltage (20) as shown in Figure 2, a control member (42) for controlling heating current to the heating blanket, a triggering circuit (36) with a control loop connected to the control member (42) for varying the heating current and regulating the heating temperature of the blanket (18), wherein the triggering circuit (as shown in Figure 2) is coupled to a heating circuit including the blanket (18) via a coupling branch (32) for picking up a measured electrical value of the temperature of the heating circuit, the control loop includes a digitizing stage of a digital circuit arrangement (34) or MOC so that the control member (42) can regulate a set temperature of the heating blanket (18) on a basis of data developed by the digitizing stage with the measured electrical value can be conducted indirectly to the digitizing

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stage via a feed branch (32,24,25,15,22,54)) which is arranged upstream of the digitizing stage of the digital circuit (34) for developing a digital actual value via an analog time function element including resistor (50) and capacitor (54), and a voltage divider (BRN,50,52) for picking up the measured value, the capacitor (54) is connected to the voltage supply by a rectifier (22), and a switching member.

Claims 3, 6-11, 15, and 17-18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

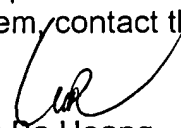
The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not suggest the use of a digitizing stage has the time measuring element for developing the actual digital value until one of a preset and a presettable charge voltage of a capacitor is reached in which the triggering of the control member takes place as a function of the deviation of the actual time value from The rated time value in a manner recited in claim 3, or such non triggered state as recited in claim 6, a switching member for temporarily triggered via the digital circuit arrangement as recited in claim 15 or 17.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Cross et al (US 4,554,439), Tamura et al (US 4,523,084), and Ueda et al (US 4,485,296).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Ba Hoang whose telephone number is (571) 272-4780. The examiner can normally be reached on Mon-fri from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (571) 272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tu Ba Hoang
Primary Examiner
Art Unit 3742

June 07, 2005